



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,169	06/26/2001	Simon Tsang	219.39511X00	1367

7590 07/20/2006
STEVE YATES
C/O BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP
12400 WILSHIRE BOULEVARD SEVENTH FLOOR
LOS ANGELES, CA 90025

EXAMINER

CHANKONG, DOHM

ART UNIT	PAPER NUMBER
----------	--------------

2152

DATE MAILED: 07/20/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/891,169

Applicant(s)

TSANG ET AL

Examiner

Dohm Chankong

Art Unit

2152

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 02 May 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9, 11-13, 15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9, 11-13 and 15-16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

- 1> This action is in response to Applicant's request for continued examination. Claims 1, 2, 7, 9, and 13 are amended. Claims 1-9, 11-13 and 15-16 are presented for further examination.
- 2> This is a non-final rejection.

Continued Examination Under 37 CFR 1.114

- 3> A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5.2.2006 has been entered.

Response to Arguments

I. Response to Applicant's Arguments

Applicant argues in substance that McCollum and Smart do not disclose: (A) a proxy CIMOM in communication with CIM client applications, a DMI service provider, DMI component instrumentations and a CIM|DMI provider; and (B) translating interrupts, events and information into a format suitable for an intended recipient. Applicant's arguments have been fully considered but they are not persuasive for the following reasons.

A. McCollum-Smart disclose a proxy CIMOM with the features as claimed

Applicant cites McCollum as disclosing a CIMOM that acts as a proxy on behalf of client processes. Applicant cites McCollum as disclosing CIMOM that hides management complexity by distributing the request to the appropriate providers. Applicant cites Smart as disclosing an application that allows CIM applications to operate on DMI instrumented platforms. Applicant then summarizes the features of claim 1 and asserts that McCollum and Smart fail to disclose these features.

The fact that McCollum discloses a CIMOM that acts as a proxy and distributes requests to providers supports the rejection. Indeed, Applicant's claims call for a proxy CIMOM. The fact that McCollum's CIMOM acts as a proxy for client applications and is responsible for distributing requests to providers implies that McCollum's CIMOM is in communication with all of the components of the system.

Additionally, Smart discloses all of the components as claimed as well. For example, Smart discloses a proxy Common Information Model Object Module (CIMOM) [pg. 2, SmartCIM to DMI Mapper Architecture figure, "CIM Object Manager"] in communication with Common Information Model client applications [pg. 2, "CIM instrumentation"], a Desktop Management Interface (DMI) service provider [pg. 2, "SmartDMI secure service provider"], DMI component instrumentations [pg. 2, "DMI Instrumentation"], and a CIM|DMI provider [pg. 2, "SmartCIM to DMI mapper"].

In combination, McCollum-Smart disclose a proxy CIMOM in communication with CIM client applications, DMI service provider, DMI component instrumentations and a CIM|DMI provider.

Art Unit: 2152

B. McCollum-Smart disclose translation feature as claimed

Applicant also argues that McCollum-Smart do not disclose translating interrupts and information into a format suitable for an intended recipient, the recipient being the CIM client application and DMI component instrumentation.

Contrary to Applicant's assertion, Smart discloses that the Mapper (analogous to claimed CIM|DMI provider) "[p]erforms Unit Translation operations on numeric data passed between DMI and CIM to accommodate the different measurement units used for similar items in DMI and CIM" [pg. 2]. McCollum discloses that: "[t]he CIMOM is intelligent in that it can decompose queries into requests from multiple providers and synthesize the results into a single response, filter excess information, work with the capabilities of the providers, and so forth" [column 1 «lines 43-47»]. In fact, one problem McCollum solves is the problem of communicating among "the wide variety of management applications and resources, protocols, formats, frameworks" [column 1 «lines 28-32»].

The concept of translating information into different formats is implied by McCollum's desire to communicate among the wide variety of applications, resources, protocols and formats. Coupled with Smart's desire to provide translation services between CIM applications and DMI instrumentations, the combination of McCollum and Smart discloses the translation feature as claimed.

II. Conclusion

For the foregoing reasons, Applicant's arguments are not found persuasive. The 103 rejections set forth in the previous Office action are maintained.

- 4> Additionally, a new ground of rejection is submitted with this action.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

- 5> The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.
- 6> Claims 1-16 are rejected under 35 U.S.C. § 103(a) as being unpatentable over McCollum, U.S. Patent No. 6,427,168, in view of "SmartCIM™ to DMI Mapper" ["Smart"].
- 7> As to claims 1-16, see previous Office actions.
- 8> Claims 1 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Smart, in view of Muhlstein et al, U.S. Patent Publication No. 2002/0004815 ["Muhlstein"].
- 9> As to claim 1, Smart discloses a system comprising:
a proxy Common Information Model Object Module (CIMOM) [pg. 2, SmartCIM to DMI Mapper Architecture figure, "CIM Object Manager"] in communication with Common Information Model client applications [pg. 2, "CIM instrumentation"], a Desktop

Management Interface (DMI) service provider [pg. 2, "SmartDMI secure service provider"], DMI component instrumentations [pg. 2, "DMI Instrumentation"], and a CIM|DMI provider [pg. 2, "SmartCIM to DMI mapper"]; and

the CIM|DMI provider [Smart's SmartCIM to DMI mapper] to:

receive events from the DMI service provider [pg. 2, "Reacts to various indications, both from DMI and CIM..."],

receive interrupts from the proxy CIMOM [pg. 2, "Reacts to various indications, both from DMI and CIM..."],

receive information from both the proxy CIMOM and the DMI service provider [pg. 2, "Reacts to various indications, both from DMI and CIM..."],

translate the interrupts, the events, and the information into a format suitable for an intended recipient, wherein the intended recipient is the CIM client application and the DMI component instrumentations [pg. 2, "Performs Unit translation operations on numeric data passed between DMI and CIM..."].

Smart does not expressly disclose registering CIM applications and DMI instrumentations or consolidating information received from the DMI provider.

10> In the same field of invention, Muhlstein discloses a CIM|DMI provider [Figure 4 «item 68»]. Similar to Smart, Muhlstein's provider also receives events from DMI providers [0012], interrupts from a proxy CIMOM [0055 : event notifications], and information from both the proxy CIMOM and the DMI provider [0052]. Muhlstein's CIM|DMI provider also

Art Unit: 2152

provides translation of information for both CIM applications and DMI instrumentations [0016, 0019].

Muhlstein further discloses registering CIM applications and DMI instrumentations [0015, 0057] and consolidating information received from the DMI provider [0052 : “central storage area”]. It would have been obvious to one of ordinary skill in the art to incorporate Muhlstein’s teachings into Smart’s CIM|DMI provider. Muhlstein’s teachings improve upon Smart’s current system by providing instrumentation data to an instrumentation data source [0002].

11> As to claims 2 and 3, Smart-Muhlstein disclose a requests processing module [see Smart, pg. 2, the mapper gathers data and receives indications] and a translation module [see Smart, pg. 2, the mapper performs unit translation operations] that perform the steps of claim 1. Smart does not expressly disclose modules that perform the steps, but these features are implied by the fact that the SmartCIM to DMI mapper performs the claimed functionality.

12> As to claim 4, Smart-Muhlstein disclose an interface to:

- receive CIM client application requests [see Muhlstein, 0016],
- transmit the CIM client application requests to the DMI events and CIM request processing module [Muhlstein, 0017],
- receive CIM objects from the DMI events and CIM requests processing module [Muhlstein, 0017, 0055], and

transmit the CIM objects to the proxy CIMOM [Muhlstein, 0057].

13> As to claim 5, Smart-Muhlstein disclose a callback interface to:
receive DMI events [Smart, pg. 2, “reacts to various indications, both from DMI...”],
and
transmit the DMI events to the DMI events and CIM requests processing module
[pg. 2, “SmartCIM to DMI mapper features”].

14> As to claim 6, Smart-Muhlstein disclose an event interface coupled with the proxy
CIMOM and the requests processing module, the event interface to transmit CIM interrupts
[0055 - Muhlstein’s event notifications] to the proxy CIMOM, wherein the interrupts are
translated from the DMI events received by the DMI event callback interface [0055].

15> As to claim 7, Smart-Muhlstein disclose a provider callback interface, the CIM
provider to:
receive CIM requests from CIM client applications, transmit the CIM requests to the
DMI events and CIM requests processing module, and transmit the translated DMI events
received from the requests processing module to the proxy CIMOM [Smart, pg. 2,
“SmartCIM to DMI Mapper Architecture”, “SmartCIM to DMI mapper features” |
Muhlstein, 0055-0057].

16> As to claim 8, Smart-Muhlstein disclose client interface to:

receive DMI requests from the DMI service provider, transmit the DMI requests to the DMI events and CIM request processing module, receive from the DMI events and CIM requests processing module CIM requests translated into DMI format, and transmit the DMI formatted CIM requests to the DMI service provider [Smart, pg. 2, "SmartCIM to DMI Mapper Architecture", "SmartCIM to DMI mapper features" | Muhlstein, 0055-0057, 0075].

17> As to claims 9 and 13, see rejection of claim 1.

18> As to claims 11, 12, 15 and 16 see rejection of claims 1, 2 and 3.

Conclusion

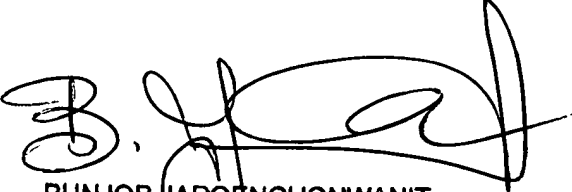
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942. The examiner can normally be reached on Monday-Thursday [7:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2152

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC



BUNJOB JAROENCHONWANIT
SUPERVISORY PATENT EXAMINER